IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2624 OF 2005

Larsen & Tubro Group of Companies
Employees Coop Hsg.Soc. Ltd. & Anr....Petitioners
Versus
State of Maharashtra and Ors. ....Respondents

Mr.Vijay Agarwal i/b M/s. K.V.Aiyr & Associates for petitioners

Ms I.Calcuttawala, AGP for Respondent Nos.1 to 3

Mr. E.K.Sasidharan for respondent no.4

CORAM : P.V.KAKADE, J.

DATE : 5TH DECEMBER, 2005

P.C.:

1. Heard advocates for all the parties.

2. Rule, rule made returnable forthwith by consent.

3. The petitioner has impugned the order dated 8.6.2005 allowing the Revision Application No.221 of 2004 and order passed in respect of issuance of Recovery Certificate dated 25.2.2005 passed by Dy.Registrar,

Cooperative Societies "K" East Ward is set aside and the matter is remanded back for fresh hearing.

4. Perusal of the record shows that demand order came to be passed because the Joint Registrar found on hearing that the Recovery Certificate was issued without proper enquiry and therefore, he thought it fit that the matter should be remanded back. The petitioner brought to my notice the Roznama of the said notice alleging that the matter, which was fixed in the month of January 2005, was preponed and therefore, he did not have opportunity nor any notice in respect of that notice and it was adjudicated behind his back. Particularly it is obvious on perusal of the record, that the order regarding issuance of recovery certificate was issued without proper hearing of the parties and therefore, I do not intend to interfere in the order passed by the Joint Registrar dated 8.6.2005 whereby the matter was remanded back for fresh hearing especially when no prejudice would be caused to either of the parties. Hence, the petition stands disposed of with direction to the effect that the Dy.Registrar concerned shall adjudicate the dispute in respect of question of issuance of Recovery Certificate in this matter after

giving opportunity to both sides to lead proper evidence and documents, if any, and the hearing shall be completed within eight weeks from the date of receipt of Writ of this Court. In the meantime both the parties shall maintain status-quo with regard to the payments to be made. With this direction the petition stands disposed of. Rule stands discahrged.

. Certified copy expedited.